

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HENRY M. HEARNE,) Plaintiff vs. MOTION CONTROL INDUSTRIES, DIVISION OF CARLISLE CORPORATION, RETIREMENT PLAN FOR BARGAINING UNIT EMPLOYEES OF MOTION CONTROL INDUSTRIES, DIVISION OF CARLISLE CORPORATION,) Docket No. 04-276E (Judge Maurice B. Cohill, Jr.) ELECTRONICALLY FILED PLEADING JURY TRIAL DEMANDED ORDER Counsel of record for these parties: Richard A. Lanzillo, Esq. Knox McLaughlin Gornall & Sennett, P.C. 120 West 10 th Street Erie, PA 16501 Telephone (814) 459-2800 Facsimile (814) 453-4530 Email rlanzillo@kmgslaw.com PA53811 Robert A. Eberle, Esq. PA Id. No. 47359 Jason Mettley, Esq. PA Id. No. 81966 219 Fort Pitt Boulevard Pittsburgh, PA 15222 Telephone (412) 281-3850
Defendants)	

ORDER

AND NOW, this ___ day of December, 2005, upon consideration of the parties' Joint Motion to Modify Case Management Order, it is hereby ORDERED that the motion is GRANTED. The modified pretrial schedule and deadlines listed below shall apply to this case. Except as modified herein, the Court's original Case Management Order shall remain in effect.

- a. All discovery in Phase I shall be commenced in time to be completed by February 24, 2006.
- b. The parties shall file motions for summary judgment on or before March 10, 2005. Response to such motions shall be accompanied by briefs and filed on or before March 30, 2006. Any reply briefs shall be due five (5) days after the receipt of the Response and shall not exceed three (3) pages in length.
- c. Phase II of the proposed Case Management Order shall only be effective at the conclusion of Phase I and only if the plaintiffs prevail on the threshold legal issues identified in paragraph 6(d) of their Rule 26(f) Report. The Court shall schedule a status conference at the convenience of the Court and the parties.

Maurice B. Cohill, Jr.
United States District Judge

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